

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TAHARQA OSBY,

Plaintiff,

v.

COSTCO WHOLESALE CORP.,

Defendant.

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CASE NO. 0:3:19-CV-299

**JOINT DISCOVERY/CASE MANAGEMENT PLAN**  
**UNDER RULE 26(f) FEDERAL RULE OF CIVIL PROCEDURE**

a. **A brief statement of the nature of the case, including the contentions of the parties;**

**Plaintiff's contentions:** Osby was subjected to being called "garbage" and "terrible" as well as being singled out by his manager, Matt Murvin at Costco. Murvin's father was regional manager at the same Costco. Osby was written up within a few weeks of starting his position by Murvin. Osby complained twice of Murvin's discriminatory behavior and was moved away from Murvin's supervision upon the second report. Plaintiff received no write-ups and performed well until he was returned under Murvin's supervision towards the end of his employment. Osby drafted a complaint about Murvin's behavior again on December 5, 2017 and was terminated on December 9, 2017. When Osby applied for a promotion, Murvin told Plaintiff that he "was not the *white* color to be promoted at Costco." Plaintiff was never promoted and less qualified white employees were promoted. Murvin stated that "You're using your color as a crutch or an excuse," and "You always use the black card anytime anyone says anything to you." Murvin threatened Osby not to reported discrimination at Costco or his could kiss his career goodbye. Eventually, Murvin terminated Osby based on his race and the fact that he complained about racially motivated negative treatment.

**Defendant's contentions:** Costco denies Osby's allegations. Costco terminated Osby's employment because of his misconduct. On December 2, 2017, Osby's supervisor, Matt Murvin, attempted to give Osby instructions regarding the work that needed to be done, and Osby responded by yelling obscenities at Murvin. When another manager intervened and escorted Osby away from Murvin, Osby made a statement to the manager about assaulting Murvin. In addition, Osby had been counseled for engaging in similar incidents, such as threatening a co-worker and yelling obscenities at others. Osby's race played no role whatsoever in his termination.

b. **The status of settlement discussions (excluding any discussion of amounts).**

The parties discussed possible settlement and believe that some amount of discovery is necessary before any further discussions.

c. **Possible joinder of additional parties**

The parties do not anticipate joining additional parties.

d. **Any anticipated challenges to jurisdiction or venue**

None.

e. **Date by which the case will be ready for trial and estimated length of trial**

The parties believe the case will be ready for trial by May 2020 and that a jury trial will take approximately four days.

f. **The desirability of ADR, and the timing for ADR**

The parties may be willing to discuss possible mediation after conducting some initial discovery.

g. **Any objections to disclosure under Rule 26(a)(1).**

None.

Respectfully submitted,

By: /s/ Timothy M. Watson

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Costco Wholesale Corporation

**CERTIFICATE OF CONFERENCE**

This is to certify that on March 12 counsel for Costco conferred with counsel for Osby regarding this Joint Discovery/Case Management Plan. The parties have no disagreement regarding the Plan, beyond that specified herein.

/s/ Timothy M. Watson

Timothy M. Watson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record, as listed below, via ECF, on this 27th day of March, 2019.

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